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August 29, 2018

VIA E-FILING

Jocelyn Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC for
Approval of CRPE Queue Number Proposal, Limited Waiver of Generator
Interconnection Procedures, and Request for Expedited Review
Docket No. 2018-202-E

Dear Ms. Boyd:

I have enclosed for filing the Petition to Intervene of First Solar, Inc. ("First Solar") in the above-captioned matter. By copy of this letter, I am serving all parties of record.

If you have questions, please do not hesitate to contact me.

Sincerely,

ELLIOTT & ELLIOTT, P.A.



Scott Elliott

SE/lbk
Enclosures

cc: All parties of record (w/enc.)

**STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2018-202-E**

IN THE MATTER OF:)	
)	
Petition of Duke Energy Carolinas, LLC)	PETITION TO INTERVENE AND
and Duke Energy Progress, LLC for)	INITIAL COMMENTS IN SUPPORT
Approval of CPRE Queue Number)	
Proposal, Limited Waiver of Generator)	
Interconnection Procedures, and Request)	
for Expedited Review)	

Docket No. 2018-202-E (“Docket”) was opened on June 19, 2018, upon the filing of the Petition of Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively “Duke”) for Approval of CPRE Queue Number Proposal, Limited Waiver of Generator Interconnection Procedures, and Request for Expedited Review (“Petition”). First Solar, Inc. (“First Solar”) hereby petitions the South Carolina Public Service Commission (“Commission”), pursuant to R.103-825 of the Commission’s rules and regulations, to intervene, and be made a party of record, in the above-referenced Docket. In support of this Petition to Intervene, First Solar shows the Commission the following:

I. First Solar’s Interests in the Petition

1. First Solar is a corporation organized in the State of Delaware and domesticated by the South Carolina Secretary of State Office to conduct business in South Carolina.
2. First Solar’s corporate office is located at 350 West Washington Street in Tempe, Arizona.
3. First Solar is a photovoltaic (“PV”) panel manufacturer and has sold over 17 gigawatts of PV panels worldwide. First Solar’s manufacturing facilities are located in Ohio and Southeast Asia. First Solar employs over 1,200 people in the United States.

4. First Solar has developed, financed, engineered, interconnected, constructed, and currently operates many of the world's largest grid-connected PV power plants. First Solar has developed nearly five (5) gigawatts of PV power plants in the United States. In so doing, First Solar gained significant experience with state and federal interconnection procedures throughout the United States.

5. First Solar has a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and is financially impacted by this Commission's approval process for the Petition, as outlined below.

6. This proceeding would benefit from First Solar's national experience in interconnection best practices, as well as First Solar's anticipated participation in the North Carolina Competitive Procurement of Renewable Energy Program.

7. As more fully explained below, First Solar supports the Petition as it is a proven and accepted method to enhance study time and coordination, will allow projects in South Carolina to have the ability to compete on a comparable basis, and will benefit the rate-payers of South Carolina.

II. Notices and Communication

7. The name and address of the attorney for First Solar who is authorized to receive notices and communications with respect to this Petition to Intervene:

Scott Elliott, Esquire
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, South Carolina 29201
Telephone: 803-771-0555
Fax: 803-771-8010
selliott@elliottlaw.us

III. Overview of the Competitive Procurement of Renewable Energy Program

8. As noted by Duke in paragraph 9 of the Petition, the North Carolina General Assembly implemented the Competitive Procurement of Renewable Energy Program (“CPRE”) to promote “a smarter, more sustainable approach to cost-effectively procuring and reliably integrating solar energy” for Duke’s customers.

9. The CPRE was approved by the North Carolina Utilities Commission (“NCUC”), and Duke has the authority to site projects in its balancing authority to allow the most cost-effective integration of new generation to its network and promote system efficiency and reliability.

10. NCUC and Duke affirmed the eligibility of South Carolina projects to participate in the CPRE through Duke’s Program Plan.

IV. Duke’s Grouping Study Proposal and its Benefits to South Carolina

11. Duke developed its grouping study and limited waiver proposal (“Proposal”) through a stakeholder process with developers, ahead of the first solicitation (“Tranche 1”) for procurement under the CPRE. Duke met with stakeholder-developers from North Carolina and South Carolina. Many developers of utility-scale solar projects in South Carolina, including First Solar, participated in the process and provided feedback to Duke on the Proposal.

12. On March 10, 2018, Duke proposed its North Carolina Interconnection Procedures (“NCIP”) grouping proposal in Docket No. E-100, Sub 101.

13. On July 30, 2018, Duke filed a request with NCUC that it issue its decision on Duke’s March 10, 2018, NCIP grouping proposal by August 30, 2018.

14. On June 19, 2018, Duke filed the Proposal with the Commission.

15. On August 10, 2018, the NCUC ordered an extension of the Tranche 1 bid due date to October 9, 2018. By postponing the due date, the NCUC intends to address Duke’s Proposal for the Tranche 1 RFP in an NCUC hearing on September 17, 2018.

16. As Duke stated in paragraph eight (8) of the Petition, the Proposal would “apply only to Interconnection Customers who voluntarily participate in the CPRE.” This optionality is important because it means the Proposal would only affect those who willingly entered into the CPRE but it ensures all those who willingly enter are treated in a comparable and non-discriminatory manner, as existing, non-participating projects will maintain a queue position senior to the newly created grouping study queue position.

17. Importantly, as noted in paragraph fifteen (15) of the Petition, the Proposal “will facilitate South Carolina Solar Generator Interconnection Customers’ participation in the CPRE RFP process on equal footing with North Carolina Interconnection Customers . . . allowing [Duke] to more efficiently study the proposed CPRE projects.” Upon reviewing the Proposal, First Solar agrees with Duke’s assessment that its implementation would benefit not only South Carolina projects but the CPRE process more generally by allowing more participation, greater competition and improving the efficiency with which Duke conducts the process. This is precisely why First Solar fully supports the Proposal.

18. The benefits of the Proposal will outweigh the cost of implementing the near-term measures of the Proposal. By approving the Proposal, (a) Duke’s rate-payers will benefit from the downward pressure on bid prices resulting from the influx of projects competing in the CPRE solicitations upon implementation of the Proposal, (b) the efficiency with which Duke conducts the CPRE project-evaluation process will improve, and (c) South Carolina projects will have the ability to compete against North Carolina projects under comparable procedures, and, as a result, the State will benefit.

V. Benefits of the Proposal to the Duke Interconnection Queue in South Carolina

19. Implementation of the Proposal will give First Solar and its South Carolina counterparts an opportunity to compete on a level-playing field. In providing equal opportunities to parties in North Carolina and South Carolina, the Proposal will allow meaningful utility-scale development in Duke's South Carolina territories by allowing the grouping of projects which must be evaluated simultaneously. This will ensure a greater number of projects are considered and projects will be evaluated and compared which will maximize the benefit to rate-payers. It will also provide Duke with a manageable process that will enhance its evaluation of projects from North Carolina and South Carolina. Clustering is also a proven method to reduce interconnection study delays.

20. First Solar is aware of the Office of Regulatory Staff's ("ORS") request for additional time to review the CPRE petition and additional discovery. First Solar supports ORS review and the Commission's careful consideration of this matter, but First Solar stresses the need for timely procedural certainty that will allow it to participate in the CPRE. First Solar understands the need for careful review and potential modification but respectfully requests that any final action reflect the policy objectives outlined above.

21. Granting such a Proposal would not be without precedent. The Federal Energy Regulatory Commission ("FERC") recognizes the efficiency of clustering studies, and the FERC has approved requests to modify Open Access Transmission Tariff procedures to allow study clusters. FERC noted that modifying such procedures could facilitate the "transition to a more efficient and timely interconnection queue management process."¹

¹. *California Indep. Sys. Operator*, 124 FERC 61031, 61134 (July 14, 2008).

22. FERC also approved limited waivers so that the study process could be expedited as requested, and noted that such waivers are appropriate when, among other things, “the resultant benefits to the customer are evident.”²

23. Even though FERC does not have jurisdiction in this instance, the policy concepts are analogous. First Solar believes the well-reasoned concepts applied by FERC would be beneficial here if adopted by the Commission.

24. Without a limited waiver of certain provisions of the South Carolina Generator Interconnection Procedures, Forms, and Agreements requested in the Proposal, solar projects in South Carolina will be disadvantaged compared to North Carolina projects, which are likely to benefit from the adoption of a similar grouping-study approach.

25. By approving the Proposal, even if only on a temporary basis, South Carolina could potentially reap the benefits of \$200 million of investment from Tranche 1 alone.³ As stated above granting the Proposal will not only ensure a level playing field and increase the benefits to rate-payers but it will also have a positive economic impact in South Carolina resulting from the construction of projects elected in the competitive procurement process.

VI. Important Time Constraints Affecting the Proposal

26. First Solar also supports Duke’s request to “address the Petition on an expedited basis” because, unfortunately, CPRE solicitation timelines impose time constraints on participants in Tranche 1. Because the timing of the Commission’s decision will affect the competitiveness of South Carolina projects in the CPRE, First Solar respectfully requests the Commission deliver a

² *SW. Power Pool, Inc.*, 126 FERC ¶ 61012, 61032 (Jan. 9, 2009).

³ First Solar endorses and supports broader efforts to improve queue management and decrease interconnection study time.

decision on the Petition by the bid-deadline for Tranche 1, which is October 9, 2018. The announced timeline leading to the next CPRE solicitation is as follows:

- a. December 2018 – Bid scoring and ranking by the independent administrator will conclude.
- b. Early 2019 – The combined transmission assessment and reweighting of scoring and ranking by the independent administrator will conclude.
- c. March 2019 – Notifications will be sent to the winning bidders.
- d. Mid-2019 – The second CPRE response period opens.

27. An expedited review by the Commission would ensure that South Carolina projects in the Tranche 1 RFP would reap the full benefits of the Proposal during the competitive bidding process.

VII. Conclusion

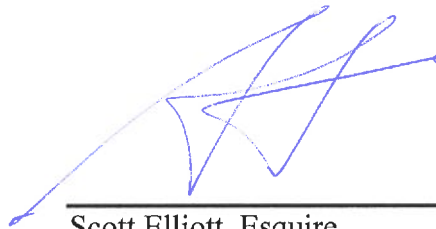
WHEREFORE, based on the foregoing, Petitioner prays the Commission grant the following relief:

- a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;
- b. That First Solar be allowed to participate fully in this proceeding and take such positions as it deems advisable;
- c. That the Commission approve the Proposal by October 9, 2018, on a temporary basis, with such approval limited to the Tranche 1 RFP and the CPRE solicitation expected to begin in spring 2019; and
- d. The Commission approve the Proposal conditioned on (1) the NCUC adopting a complementary grouping study in Docket No. E-100, Sub 101

and (2) Duke's participation in a collaborative process that would commence upon the October CPRE bid-submission deadline that would encourage South Carolina stakeholders to address streamlining Duke's interconnection study process for interconnection to both the distribution and transmission systems.

- e. And for such other and further relief as the Commission deems just and reasonable.

Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'S. Elliott', written over a horizontal line.

Scott Elliott, Esquire
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1508 Lady Street
Columbia, SC 29201
(803) 771-0555

Attorney for First Solar, Inc.

Columbia, South Carolina
August 29, 2018

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC
for Approval of CRPE Queue Number Proposal, Limited Waiver of
Generator Interconnection Procedures, and Request for Expedited Review

DOCKET NO.: 2018-202-E

PARTIES SERVED: **VIA ELECTONIC AND REGULAR MAIL**

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PLEADING:

PETITION TO INTERVENE BY FIRST SOLAR, INC.

August 29, 2018



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